

FILED

JUL 19 2016

MARCI MOSLEY
Circuit Clerk
TEXAS COUNTY, MO

IN THE CIRCUIT COURT OF TEXAS COUNTY, MISSOURI

ROMINES MOTOR COMPANY, INC)
Plaintiff,)

vs.)

Case No. 16TE-CC00182

GLENN H. ROMINES, JR.,)
Defendant.)

AMENDED PETITION

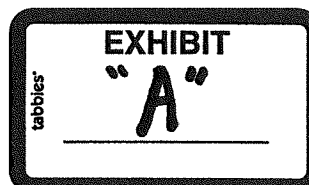
COUNT I – PETITION IN REPLEVIN

COMES NOW Plaintiff, Romines Motor Company, Inc., and for its Amended Petition in Replevin states as follows:

1. Plaintiff is a Missouri Corporation in good standing doing business as Romines Motor Company, Inc.
2. Defendant is a resident of Texas County, Missouri, residing at 480 S. Highway 63, Houston, Missouri 65483.
3. Defendant is a former employee of Romines Motor Company, Inc.
4. Defendant's employment with Plaintiff was terminated on March 25, 2016, at which time he was permitted the possession and use of two automobiles, to-wit:

<u>Vehicle</u>	<u>Market Value</u>
2014 Lincoln MKX VIN #2LMDJ8JK4EBL19422	\$31,575.00
2000 Ford Ranger Supercab VIN #1FTZE15V2YPB19436	\$ 5,875.00

5. Defendant was to return both of the described vehicles on or before May 2, 2016.



6. From and after May 2, 2016, Defendant has retained possession of both vehicles without the permission or consent of the Plaintiff.

7. On May 3, 2016, Plaintiff became lawfully entitled to possession of the two vehicles in that it owns the two vehicles, pays the insurance on the vehicles, and pays interest on the purchase of the vehicles.

8. From and after May 3, 2016, Plaintiff has requested that both vehicles be returned to it, but Defendant fails and refuses to deliver possession of the two vehicles to the Plaintiff, but rather wrongfully retains possession of the two vehicles.

WHEREFORE, Plaintiff, Romines Motor Company, Inc., requests judgment against Defendant for the possession of the two automobiles described herein or the value thereof, at Plaintiff's election, and damages for their unlawful detention, along with costs as permitted.

COUNT II – DECLARATORY ACTION

COMES NOW the Plaintiff and for Count II of its petition states as follows:

1. All allegations contained in Count I are incorporated herein by reference as if fully set forth.

2. Between August 1, 2009, and March 25, 2016, Respondent possessed the authority to write checks on the corporate bank account.

3. Between August 1, 2009, and March 25, 2016, Defendant withdrew company funds by either writing the checks to himself or for his exclusive benefit in the total sum of One Hundred Seventy Nine Thousand, Seven Hundred, Sixty Nine Dollars, Eight Cents (\$179,769.08).

4. Defendant's withdrawals from the corporate bank account were unknown to the other shareholders, directors, and officers of Romines Motor Company, Inc.

5. Defendant repaid the sum of Three Thousand, Five Hundred, Seventy Six Dollars, Twenty Four Cents (\$3,576.24) to the corporation leaving a balance due of One Hundred Seventy Six Thousand, One Hundred Ninety Two Dollars, Eighty Four Cents (\$176,192.84).

6. A controversy exists between the parties as to whether such money is owed by Defendant to the corporation and, if so, the amount which is owed by Defendant to the corporation.

7. By reason of the foregoing, a declaratory judgment is both necessary and proper in order to set forth and determine the rights, obligations and liabilities that exist among the parties to the transactions referenced above.

WHEREFORE, Plaintiff prays that the Court enter judgment as follows:

- a. Declaring that Glenn H. Romines, Jr. owes Romines Motor Company, Inc. the sum of One Hundred Seventy Six Thousand, One Hundred Ninety Two Dollars, Eighty Four Cents (\$176,192.84);
- b. Declaring the rights and other legal relations of Plaintiff and Defendant arising out of the transactions referenced herein;
- c. Awarding Plaintiff the cost and reasonable attorney fees incurred herein;
- d. Awarding such other and further relief as the Court deems just and proper under the circumstances.

COUNT III – PETITION FOR MONEY HAD AND RECEIVED


COMES NOW the Plaintiff and for Count III of its cause of action states as follows:

1. All allegations contained in Counts I and II are incorporated herein by reference as if fully set forth.
2. Between August 1, 2009, and March 25, 2016, Defendant had authority to write checks on the corporate bank account.
3. Between August 1, 2009, through March 25, 2016, Defendant issued checks either directly to himself or for his benefit in the amount of One Hundred Seventy Nine Thousand, Seven Hundred Sixty Nine Dollars, Eight Cents (\$179,769.08).
4. During the time period referenced above Defendant repaid Three Thousand, Five Hundred Seventy Six Dollars, Twenty Four Cents (\$3,576.24) to the corporation, leaving a balance due of One Hundred Seventy Six Thousand, One Hundred Ninety Two Dollars, Eighty Four Cents (\$176,192.84).
5. The other shareholders, directors, and officers were unaware of the payments being made by the Defendant to the Defendant or on Defendant's behalf.
6. The retention of the funds by Defendant would be unjust or inequitable in that the other shareholders, directors, and officers were unaware of the transfers by the Defendant, did not consent to the transfers by the Defendant, and were funds rightfully owned by the corporation to be paid for the benefit of the corporation or possibly to the other shareholders, directors, officers, and employees.

7. The Plaintiff has incurred costs and attorney fees in its efforts to recover the monies received by the Defendant and Plaintiff is entitled to its reasonable attorney fees and costs incurred.

WHEREFORE, Plaintiff prays this Court for its Order as follows:

- a. Awarding Plaintiff the sum of One Hundred Seventy Six Thousand, One Hundred Ninety Two Dollars, Eighty Four Cents (\$176,192.84) to be paid by the Defendant to the Plaintiff;
- b. Awarding Plaintiff it's reasonable attorney fees and costs incurred herein;
- c. And, for such other relief as to the Court may seem just and proper in the premises.



Franklin D. Romines, President of
Romines Motor Company, Inc.

STATE OF MISSOURI)
) SS
COUNTY OF TEXAS)

I do hereby certify that on this 14th day of July, 2016, personally appeared before me Franklin D. Romines, who, being by me first duly sworn, declared that he is the President of Romines Motor Company, Inc., that he signed the foregoing document as President of the corporation, and that the statements therein contained are true.

Subscribed and sworn to before me this 14th day of July, 2016.


Notary Public



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